

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

MARTIN LYNCH D/B/A MARTIN LYNCH
WATER COMPANY

FAILURE TO COMPLY WITH KRS 278.140
AND 278.230(3)

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) CASE NO. 94-374
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O R D E R

Martin Lynch, doing business as Martin Lynch Water Company ("Lynch"), which owns, controls, operates, and manages facilities which are used for and in connection with the distribution and furnishing of water to the public for compensation. He is therefore a utility subject to Commission jurisdiction. KRS 278.010(3)(d).

KRS 278.140 requires every utility, on or before March 31 of each year, to file with the Commission a report of its gross earnings or receipts derived from intrastate business for the preceding calendar year.

KRS 278.230(3) directs every utility, when required by the Commission, to file with it any report or other information that the Commission reasonably requires. Commission Regulation 807 KAR 5:006, Section 3(1), requires every utility to file with the Commission on or before March 31 of each year a financial and statistical report of its utility operations for the preceding calendar year on forms furnished by the Commission.

KRS 278.990(1) states that any utility which willfully violates any provision of KRS Chapter 278 or Commission regulation shall be subject to a civil penalty not less than twenty-five dollars (\$25.00) nor more than two thousand five hundred dollars (\$2,500).

On January 4, 1994, the Commission provided to Lynch the standard forms for the annual financial and statistical report and the report of gross earnings from intrastate business. According to Commission records, Lynch has yet to file these reports for the 1993 calendar year with the Commission. The absence of these reports from Commission records constitutes prima facie evidence that Lynch has willfully failed to comply with KRS 278.140 and 278.230(3).

IT IS THEREFORE ORDERED that:

1. Lynch shall file with the Commission, no later than October 28, 1994, his financial and statistical report and his report of gross earnings from intrastate business for the 1993 calendar year.

2. Lynch shall appear on November 7, 1994, at 9:30 a.m., Eastern Standard Time, in Hearing Room 1 of the Commission's offices at 730 Schenkel Lane, Frankfort, Kentucky, for the purpose of showing cause, if any he can, why he should not be subjected to the penalties of KRS 278.990 for his failure to comply with KRS 278.140 and 278.230(3).

3. If Lynch desires to waive his right to a hearing in this matter, he shall, no later than October 28, 1994, file the required


reports and pay a penalty of \$250. Payment of the penalty shall be made by certified check or money order made payable to Treasurer, Commonwealth of Kentucky and shall be delivered to office of General Counsel, Public Service Commission, 730 Schenkel Lane, P.O. Box 615, Frankfort, Kentucky 40602.

Done at Frankfort, Kentucky, this 11th day of October, 1994.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director